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1 — Regulatory response about earthquakes, SandRidge bankruptcy top energy chat, The Oklahoman, 9/14/2016

<http://newsok.com/article/5517990>

The Oklahoman's energy reporters, Adam Wilmoth and Paul Monies, fielded questions Tuesday during their monthly online chat with readers.

2 — Tar Creek Conference addresses environmental issues for 18th year - Children's blood lead levels rose last year, Miami (OK) News Record, 9/13/2016

<http://www.miamiok.com/news/20160914/tar-creek-conference-addresses-environmental-issues-for-18th-year---childrens-blood-lead-levels-rose-last-year>

Years and years of environmental activism are encompassed and capsulized in the annual three-day 18th Tar Creek National Environmental Conference. This year's theme is "Tar Creek Runs Through It," with the conference beginning Monday and running through Wednesday of this week.

3 — Thousands of dead fish floating in Lafayette are attributed to floodwaters, New Orleans Times-Picayune, 9/13/2016

http://www.nola.com/environment/index.ssf/2016/09/thousands_of_dead_fish_floatin.html#incart_most_shared-environment

Thousands of dead fish have been found floating in Moncus Park at the Horse Farm's coulee. Workers discovered the fish Monday. Spokesmen from the Department of Wildlife and Fisheries said the death of the fish is a byproduct of receding floodwaters, however, they are still investigating the phenomenon.

4 — White House to Congress: \$2.6B emergency flood relief package to Louisiana, ASAP, Baton Rouge Advocate, 9/13/2016

http://www.theadvocate.com/baton_rouge/news/politics/article_ab484de4-79ff-11e6-a394-2f007c2aec25.html?sr_source=lift_amplify

New fault data prompted Oklahoma and federal regulators Monday to amend their plan to reduce volumes and stop some operations at wastewater disposal wells following the state's largest earthquake on record near Pawnee.

5 — National protest over Dakota pipeline draws hundreds to rallies in Dallas, other cities, Dallas Morning News, 9/8/2016

<http://www.dallasnews.com/business/energy/20160913-national-protest-over-dakota-pipeline-draws-hundreds-to-rallies-in-dallas-other-cities.ece>

Kelcy Warren sent a memo to the employees of his Dallas-based Energy Transfer Partners the same day as a planned "day of action" in cities around the U.S. and in other countries. Tuesday evening in Dallas, about 50 demonstrators lined the sidewalks at the corner of Preston Road and Forrest Lane.

6 — Dallas' Kelcy Warren: Water concerns about Dakota Access pipeline 'unfounded', Dallas Morning News, 9/12/2016

<http://www.dallasnews.com/business/energy/20160913-dallas-kelcy-warren-water-concerns-about-dakota-access-pipeline-unfounded.ece>

Four days after federal authorities ordered a halt to construction on a small part of the Dakota Access Pipe Line, Dallas-based Energy Transfer Partners finally offered a reaction to the order.

7 — Consensus on oil, gas ordinance: Take your time, Albuquerque Journal, 9/10/2016

<https://www.abqjournal.com/842538/consensus-on-oil-gas-ordinance-take-your-time.html>

Environmentalists, oil industry insiders and ranchers on Tuesday continued to weigh in on Sandoval County's draft oil and gas ordinance, with speakers for and against drilling agreeing on one issue: County officials should take more time before adopting the measure.

8 — \$80 million Shell Island restoration nears completion, New Orleans Times-Picayune, 9/13/2016

http://www.nola.com/environment/index.ssf/2016/09/80_million_shell_island_restor.html#incart_river_index

With a mix of laughing gulls, brown pelicans and frigate birds watching from the air, employees of the Great Lakes Dredge & Dock. Co. on Tuesday (Sept. 13) were directing sand from the Mississippi River into place on the new beaches and dunes that are the rebuilt east and west lobes of Shell Island, about 8 miles southwest of Buras in Plaquemines Parish.

9 — Water tests negative for blue green algae -- according to the City of Guthrie, KOKH , 9/13/2016

<http://okcfox.com/news/local/water-tests-negative-for-blue-green-algae-according-to-city-of-guthrie>

An update on a FOX 25 investigation involving Guthrie's drinking water. The water, many residents claimed was making them sick, tests negative for blue-green algae. That's according to the city.

10 — EPA Proposes New Water Rules for Nuclear Emergencies, Wall Street Journal, 9/12/2016

<http://www.wsj.com/articles/epa-proposes-new-water-rules-for-nuclear-emergencies-1473725010>

In the wake of a nuclear emergency, the Environmental Protection Agency thinks it would be acceptable for the public to temporarily drink water containing radioactive contamination at up to thousands of times normal federal safety limits.

11 — Smith's subpoena battle reaches Congress, Politico, 9/14/2016

<http://www.politico.com/tipsheets/morning-energy/2016/09/smiths-subpoena-battle-reaches-congress-wr-done-flint-aid-seeking-immediate-ride-216322>

House Science Committee Chairman Lamar Smith will double down today at a hearing on his bid to subpoena state officials for records of their ongoing investigations into Exxon Mobil's climate science activities.

12 — Murky methane findings complicate Obama's regulatory plan, E&E News, 9/13/2016

<http://www.eenews.net/climatewire/stories/1060042723>

A new study published yesterday found that fossil fuel production has emitted significantly more of the potent greenhouse gas since 2000 and could account for much of the unexplained uptick in global atmospheric methane since 2007.

13 — What's driving down industry emissions? The market, Energywire, 9/14/2016

<http://www.eenews.net/stories/1060042785>

Market forces, not U.S. EPA's Clean Power Plan, are the chief driver behind lower carbon emissions right now, energy experts said at a conference here on power-sector trends yesterday.

14 — Former EPA Head: 'Despair' Over GOP Inaction on Climate, BNA, 9/13/2016

<http://www.bna.com/former-epa-head-n57982076920/>

Lack of Republican action or urgency on climate change provokes "despair," a former head of the Environmental Protection Agency under President George H.W. Bush said Oct. 12 as he defended the agency's carbon regulations.

15 — Green Republican sees party 'evolving' on clean energy, The Hill, 9/13/2016

<http://thehill.com/policy/energy-environment/295723-green-energy-republican-sees-progress-with-the-gop>

Republicans are increasingly "evolving" on climate change and green energy issues, the founder of a GOP-supporting clean energy super-PAC said Tuesday.

16 — Green Republican sees party 'evolving' on clean energy, The Hill, 9/13/2016

http://www.theeagle.com/brazos_life/food/a-story-of-endocrine-disruption-and-why-it-matters/article_3e0116d2-7a11-11e6-85de-ffd91b019971.html

Just a little over 52 years ago, best-selling author and ecologist Rachel Carson was famously called to testify before Congress. A year had barely passed following the publication of her groundbreaking book *Silent Spring* documenting the dangers posed by rampant and indiscriminate use of pesticides and herbicides.

17 — Trade Partnership Good for Environment, EPA Head Says, BNA, 9/13/2016

<http://www.bna.com/trade-partnership-good-n57982076919/>

The environment stands to benefit from the improvements the Trans-Pacific Partnership agreement would usher in, according to Gina McCarthy, administrator of the U.S. Environmental Protection Agency.

Regulatory response about earthquakes, SandRidge bankruptcy

by Adam Wilmoth, & Paul Monies Published: September 14, 2016 12:00 AM CDT

The Oklahoman's energy reporters, Adam Wilmoth and Paul Monies, fielded questions Tuesday during their monthly online chat with readers. This is an edited transcript of that conversation. For the full transcript, go to NewsOK.com.

Q: What else have you learned about the response to the Pawnee earthquake?

Monies: Well, Oklahoma regulators acted quickly following the Sept. 3 earthquake near Pawnee that registered at 5.8-magnitude, the state's largest in recorded history. They ordered a mandatory shut-in of 37 disposal wells, followed a few days later by the shut-in of another 17 wells in Osage County by the EPA.

Ads by ZINC

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After meeting in a closed, two-day technical workshop last week in Norman, regulators on Monday revised the Pawnee plan to lower the number of shut-in wells, but they expanded the area where disposal wells are under mandatory volume reductions. The latest plan affects 67 disposal wells in a 1,100-square-mile area. Thirty-two wells will now be shut down, and 35 wells will see mandatory volume reductions.



Special Coverage: page maps every earthquake that happens in Oklahoma

Researchers and regulators said they made the changes because the 5.8-magnitude quake and a series of aftershocks have exposed a previously unmapped fault that branches off a known fault northwest of Pawnee.

Q: Are there any efforts from horizontal drilling companies to develop other uses for the wastewater? I know it won't be cheap, but it could have positive benefits.

Wilmoth: There are many options companies are looking at. Cleaning and using produced water is technically possible, but it's expensive. The most affordable option appears to be when a company has a large number of planned wells in a relatively small geographic area. In that case, the company can clean the produced water and use that water for hydraulic fracturing in new wells. Continental Resources has such a recycling center in central Oklahoma's SCOOP, and Devon Energy has used a similar setup in western Oklahoma.

Even with all the attention disposal wells have attracted in recent years, it still is inexpensive to dispose of water through saltwater disposal wells. That may change as it becomes more difficult to get permits for new disposal wells or to use existing disposal wells. But right now, disposing is inexpensive and recycling is far more expensive.

Q: The Corporation Commission seems to react to earthquakes. Is there any talk of preventive shutting in or limiting of wells before earthquakes happen?

Monies: Researchers have broadly made the link between wastewater injection and triggered earthquakes in Oklahoma, but there's still too much unknown under the ground to tie one particular well to an earthquake event. Regulators started with actions around earthquake swarms, then moved to broader areas. The two regional plans they put out last year and this year are an attempt to be more proactive.

The worry is that so much wastewater was injected over a short period of time in particular areas of development that those "pulses" of pressure are still making their way through the deep Arbuckle formation to the granite basement, possibly activating unknown faults.

Q: With the announcement of SandRidge emerging from bankruptcy soon, but their assets being high cost and in an area of major concern for seismic activity, do you see them surviving long term?

Wilmoth: When Sand-Ridge emerges from bankruptcy, it will shed more than \$3.7 billion in debt. Not having to make large debt payments will make the company's margins better and balance sheet much stronger. But you are correct that the company is operating in one of the most expensive plays in the country. Part of the cost is because of infrastructure SandRidge already has completed, including electricity and other infrastructure. Another part of the cost is handling and disposing of the large volumes of saltwater the area produces along with oil. The disposal regulations we've been discussing will affect the amount of oil that can be produced from Oklahoma's Mississippi Lime.

I don't know what Sand- Ridge's future looks like, but it's certainly better after bankruptcy than it was with so much debt. That could make the company a takeover target, but it also could make the company strong

enough to stand on its own. In general, I do expect more mergers and acquisitions throughout the industry as companies emerge from bankruptcy, especially if oil and natural gas prices strengthen over the next several months.

By Melinda Stotts
 mstotts@miaminewsrecord.com

September 14, 2016 12:42AM

Print Page

Tar Creek Conference addresses environmental issues for 18th year - Children's blood lead levels rose last year

MIAMI – Years and years of environmental activism are encompassed and capsulized in the annual three-day 18th Tar Creek National Environmental Conference.

This year's theme is "Tar Creek Runs Through It," with the conference beginning Monday and running through Wednesday of this week.

Numerous speakers and presenters came to participate, to update, inform, discuss and to inspire community concern and action dealing with environmental issues.

L.E.A.D. (Local Environmental Action Demanded) Agency Executive Director and Tar Creekkeeper and conference organizer Rebecca Jim, Miami City Manager Dean Kruithof and Oklahoma State Representative Ben Loring welcomed the conference attendees and presenters.

Loring told the attendees Oklahoma has a number of significant health and environmental issues that need to be dealt with legislatively.

"This conference is proactive, and that's the way things should be done," Loring said. "What you all do in the elections has a huge impact on what the legislature is going to be able to do or not do in the near future."

Monday started off the conference with the Toxic Tour of the EPA Superfund sites and Tar Creek, and a reception.

Tuesday consisted of the Environmental Protection Agency (EPA) regional updates on yard cleanup, mining waste chat pile removal, sediments and passive water treatment, tribal land remediation and wildlife restoration efforts, the FEMA Floodplain Map overview, and presentations on water quality and fracking and earthquakes in Oklahoma.

"These are the things that matter to us, why do we have to wait until they are almost gone?" Richard Zane Smith said as part of the invocation. "But good things are happening ... first we must draw our minds together as one."

The Oklahoma Department of Environmental Quality's (ODEQ) Brian Stanila gave an update of OU2 yard cleanup in Ottawa County. The EPA split the Superfund project areas into regions in order to deal with the large area and issues involved.

The remediation project is funded federally by EPA and managed by the ODEQ.

Stanila said the project's goal is to reduce the ingestion of lead in Ottawa County, especially in children. He gave a history of the project, which began in 1997 when a Record of Decision was signed identifying lead as the primary contaminant. The project has transitioned over the years from federal to state leadership, according to Stanila.



PHOTO/ MELINDA STOTTS / MNR

MIAMI – Years and years of environmental activism are encompassed and capsulized in the annual three-day 18th Tar Creek National Environmental Conference. This year's theme is "Tar Creek Runs Through It," with the conference beginning Monday and running through Wednesday of this week. Numerous speakers and presenters came to participate, to update, inform, discuss and to inspire community concern and action dealing with environmental issues. L.E.A.D. (Local Environmental Action Demanded) Agency Executive Director and Tar Creekkeeper and conference organizer Rebecca Jim, Miami City Manager Dean Kruithof and Oklahoma State Representative Ben Loring welcomed the conference attendees and presenters. Loring told the attendees Oklahoma has a number of significant health and environmental issues that need to be dealt with legislatively. "This conference is proactive, and that's the way things should be done," Loring said. "What you all do in the elections has a huge impact on what the legislature is going to be able to do or not do in the near future." Monday started off the conference with the Toxic Tour of the EPA Superfund sites and Tar Creek, and a reception. Tuesday consisted of the Environmental Protection Agency (EPA) regional updates on yard cleanup, mining waste chat pile removal, sediments and passive water treatment, tribal land remediation and wildlife restoration efforts, the FEMA Floodplain Map overview, and presentations on water quality and fracking and earthquakes in Oklahoma. "These are the things that matter to us, why do we have to wait until they are almost gone?" Richard Zane Smith said as part of the invocation. "But good things are

From 1997 to 2014 the EPA has cleaned and remediated approximately 3,000 yards and sampled 5,000 yards in the community in residential and high access areas such as parking lots, schools, and parks.

"During that time we have seen significant reductions in a percentage of children with elevated lead levels," he reported. "So since the initiation of this, I believe we have seen some success in Ottawa County and within the Superfund boundaries."

The major source of lead contamination comes from mining chat spread throughout the county for uses such as in roadways and foundations.

Asked how long the EPA and ODEQ would continue remediation efforts, Stanila said, "Right now we have no intention of leaving the community and stopping this program until all the yards have been sampled."

Any Ottawa County property owner is still eligible for free yard testing and consequentially remediation if lead contamination is detected. Stanila said Ottawa County residents can call ODEQ at 1-800-522-0206, or the EPA at 1-800-533-3508 to request sampling.

A Blood Lead Grant also provides free blood lead level testing through the Ottawa County Health Department for children under 6-years-old.

According to Stanila there had been a sharp decline in blood level levels in Ottawa County children since 2007 with remediation and educational efforts, but last year there was a slight uptick.

"We're now seeing in 2015 a higher percentage of children with elevated lead versus 2014," Stanila said. "I haven't looked at the data so I don't have any hypotheses ... but I wanted to say, we're not done. We're seeing this increase and we're not done cleaning up residential yards. This should be kind of a wake up call for us, if we thought all the yards were cleaned up in these cities, they're not."

"We're still finding them today and I think this data illustrates that point. We still have work to do and we still plan on doing it."

EPA's Rafael Casanova gave an overview of the EPA Region 6 Tar Creek OU4 updates on chat pile remediation.

Since the 2008 Record of Decision the EPA, the State of Oklahoma and the Quapaw Tribe, the first tribe to conduct EPA remediation work on tribal land, have reclaimed land for a total of 646 acres.

The EPA oversees and funds the state and tribal remediation and reclamation work.

Remediation of source materials for the project totals 3,254,156 tons including 37 chat piles and 84 chat bases.

"The chat is a big source of water contamination," Casanova said. "We wanted to get more bang for the money, so we decided to change the strategy and concentrate on areas where the chat was affecting water."

Because of this, EPA has now reprioritized and focused on areas in the watershed, such as at Beaver Creek, instead of only concentrating on areas more easily accessed.

Removal of contaminated soil practices by EPA in the past took out as much as two feet deep of soil sometime down to shallow bedrock, according to Casanova. EPA has changed practices in some areas to remove less soil using other processes to remediate areas of metal contamination.

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"You are not going to see a reduction in volatility of the metal right away. It's going to take several years. You have to monitor several years," he said.

Casanova explained that the contaminated chat is moved to a repository on East 40 Road near Douthit where it will be eventually capped.

"We have it leased for another 35 years, and we're not even close to capacity," he said. "That's where it goes. Eventually it will be designed with a cap, and it will be safe for cattle grazing and things like that."

He explained the repository was designed, once it's finished and capped, to prevent lead from infiltrating into water and around it into retention ponds.

According to Casanova, 12 percent of remediated chat is sold to processors for a total of 392,437 tons, 147 mineshafts have been capped and 142 cased borings have been plugged with cement.

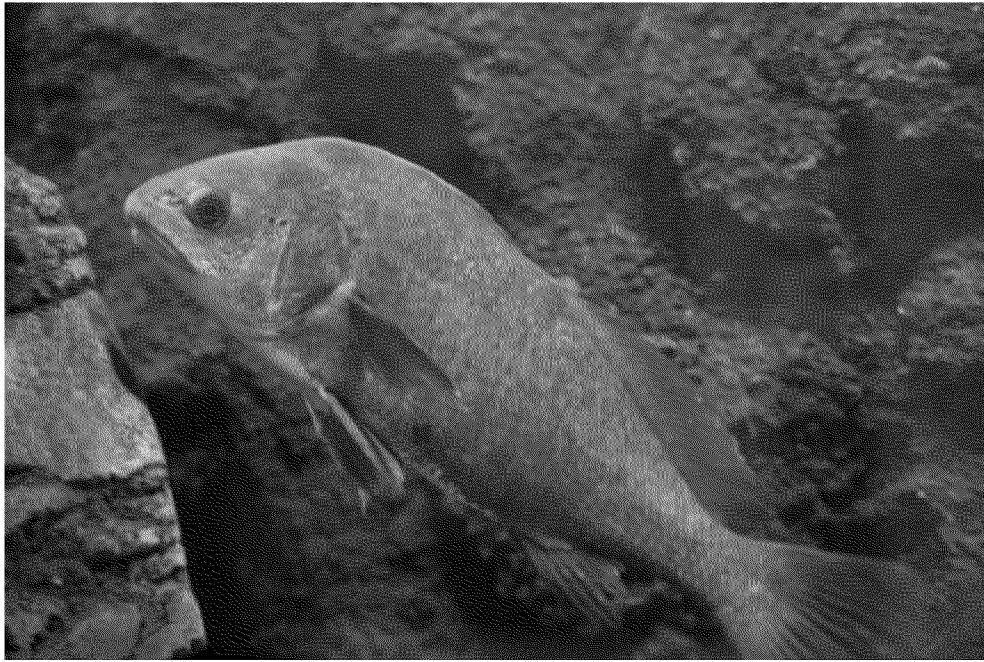
"A decision was made that the chat could be sold as long as it was used in a proper manner," he said. "That accounts for about 12 percent of the total that has been going to chat pile processors."

The last day of the conference on Wednesday includes presentations on the Quapaw Bee Project, metals in plants, soils, fish, mussels and crayfish, an update on blood lead levels in water, the BF Goodrich Benzene Plume in Miami and speakers Earl Hatley and Casey-Camp Horinek on climate issues and the North Dakota Standing Rock protest.

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Greater New Orleans

Thousands of dead fish floating in Lafayette are attributed to floodwaters



Freshwater drum were among the dead fish found in Lafayette. (University of South Florida)

By The Associated Press

on September 13, 2016 at 4:35 PM



LAFAYETTE, La. — Thousands of dead fish have been found floating in Moncus Park at the Horse Farm's coulee.

Workers discovered the fish Monday.

KLFY-TV reports spokesmen from the Department of Wildlife and Fisheries said the death of the fish is a byproduct of receding floodwaters, however, they are still investigating the phenomenon.



Fish kill hits Mississippi Gulf Coast

Jody David says most of the fish are buffalo fish, freshwater drum and a few catfish.


Officials say the fish that are still alive appear to be swimming upstream of the Coulee Mine which drains into the Vermillion River. Lafayette Central Park director Elizabeth Brooks says the park is still safe to visit, she just doesn't recommend fishing in the coulee anytime soon.

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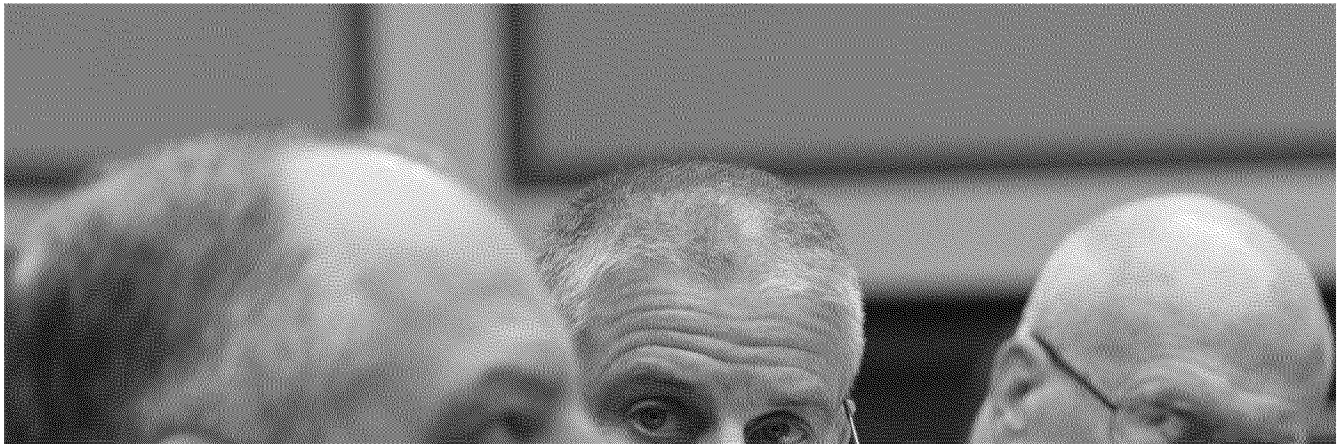


White House to Congress: \$2.6B emergency flood relief package to Louisiana, ASAP

BY ELIZABETH CRISP | ECRISP@THEADVOCATE.COM

PUBLISHED SEP 13, 2016 AT 5:16 PM | UPDATED SEP 13, 2016 AT 7:33 PM





Elizabeth Crisp

The White House is calling on Congress to approve a \$2.6 billion federal aid package "as soon as possible" to provide funding for Louisiana housing and infrastructure needs following catastrophic flooding last month.

In a letter Tuesday evening, White House Budget Director Shaun Donovan asks House Appropriations Chairman Hal Rogers, R-Kentucky, to "provide additional funding to address Louisiana's unmet housing and infrastructure needs as soon as possible."

"Because the need for this funding arises from an unforeseen, unanticipated event resulting in the loss of life and property, these additional resources should be provided as emergency funding," Donovan wrote.

The letter comes just one day after Gov. John Bel Edwards and Louisiana's Congressional delegation sent separate letters to President Barack Obama urging him to push for additional aid for Louisiana in response to last month's catastrophic floods that left 13 people dead and thousands displaced.

Leaders are hoping that an aid package will make it through Congress before lawmakers recess for the month, leaving aid up in the air until after the November elections.

Edwards is returning to Washington, D.C., on Wednesday to spend the next three days making the case for what he had recently tallied as \$2.8 billion in relief.

This week's trip is the second in a series of envoys to seek money for the recovery efforts.

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Gov. John Bel Edwards, congressional delegation call on Obama to push ⁴ ood aid package

State leaders want the additional federal aid for housing, economic development and infrastructure flood recovery needs on top of assistance already being provided. Congress is attempting to reach an agreement on a continuing resolution to fund government past the November elections and prevent a shutdown. Some leaders have said they are hopeful that aid for Louisiana will make it through the shortened process, but others have remained skeptical.

Obama on Monday was scheduled to meet with congressional leaders to discuss a stop-gap measure to fund government into early December and prevent a shutdown at the end of this month. It's possible aid for the flood relief efforts could be coupled into that plan, but there's so far been no guarantee.

White House Press Secretary Josh Earnest, in a press briefing Monday afternoon, said the president agrees with Edwards that "additional resources are likely to be needed to help the people of Louisiana recover," but said it will be on the GOP leaders in Congress to make that happen.

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As La. leaders lobby for federal aid, some concerned about 'red tape,' Washington gridlock

"The question now is, are Republicans in Congress going to do their job?" Earnest said. "They just got back from an uninterrupted seven-week vacation. Are they going to do right by the people of Louisiana? I think we'll find out."

Edwards is scheduled to meet this week with Obama, as well as the Louisiana Congressional delegation and influential lawmakers from other states.

Among those scheduled to meet with Edwards this week are U.S. House Speaker Paul Ryan, R-Wisconsin; House Appropriations Chair Rogers; U.S. Senate Minority Leader Harry Reid, D-Nevada; Senate Minority Whip Dick Durbin, D-Illinois; and Sen. Patty Murray, D-Washington; and Transportation Secretary Anthony Foxx.

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Gov. John Bel Edwards heading to Washington, DC to lobby for flood relief package this week

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Energy

National protest over Dakota pipeline draws hundreds to rallies in Dallas, other cities

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Published: 13 September 2016 06:16 PM

Updated: 13 September 2016 08:36 PM

Kelcy Warren sent a memo to the employees of his Dallas -based Energy Transfer Partners the same day as a planned "day of action" in cities around the U.S. and in other countries.

Tuesday evening in Dallas, about 50 demonstrators lined the sidewalks at the corner of Preston Road and Forrest Lane. They chanted slogans and waved at the occasional driver who honked a horn in support.

A rally in Washington drew hundreds to hear Sen. Bernie Sanders and others speak.

Authorities arrested 22 people for interfering with construction of the \$3.8 billion Dakota Access pipeline about 70 miles northwest of the main protest site near the Standing Rock Sioux Reservation in North Dakota.

Standing Rock Sioux Tribal Chairman Dave Archambault II said he and the thousands of others who have gathered at an encampment in southern North Dakota to protest won't budge.

"People are still coming down here and are committed to stopping the project," he said.

The tribe is challenging the Army Corps of Engineers' decision to grant about 200 permits at water crossings for pipeline, which goes through the Dakotas and Iowa to Illinois. The tribe says the project will disturb sacred sites and impact drinking water. Energy Transfer Partners disputes those claims, saying the pipeline would include safeguards and that workers monitoring the pipeline

remotely could close valves within three minutes if a breach is detected.

"We have designed the state-of-the-art Dakota Access pipeline as a safer and more efficient method of transporting crude oil than the alternatives being used today," his memo said.

Dakota Access Pipeline Protest

Dallas protesters gather during the National Day of Action against the Dakota Access Pipeline to call for the Ob...

1

The tribe's effort to temporarily block construction near its reservation was denied by U.S. District Judge James Boasberg on Friday. But minutes later, federal officials ordered a temporary halt to construction on Army Corps land around and underneath Lake Oahe — one of six reservoirs on the Missouri River. Three federal agencies also asked ETP for a

"voluntary pause" in work for 20 miles on either side of Lake Oahe.

ETP removed about 30 pieces of damaged or vandalized construction equipment from the area near the protest site Tuesday, according to Morton County Sheriff's Department spokesman Rob Keller. The company did not immediately respond to a request for comment on whether it has halted construction in that section or is backing down on its plans to build the pipeline, but has said construction continues elsewhere.

About 70 miles northwest of the main protest site in southern North Dakota, protesters "swarmed" construction workers and two people chained themselves to equipment, according to Morton County Sheriff's Office spokeswoman Donnell Preskey. Twenty people face charges of criminal trespassing, and two who "attached" themselves to equipment also face charges of hindering law enforcement and disorderly conduct, she said.

In Washington, Sanders was joined at the rally by a couple of Standing Rock Sioux members, including a girl who'd joined about a dozen people this summer in running a petition signed by 140,000 people from North Dakota to Washington. The speakers encouraged President Barack Obama, who visited the reservation in 2014, to back their cause.

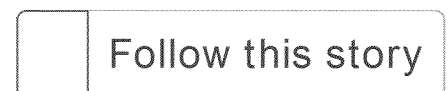
Warren's memo also noted that because of what it called "misinformation" in the news, the company is working to "communicate with the government and media more clearly in the days to come."

Warren said the company had consulted with more than 55 tribes, including the Standing Rock Sioux, and added that ETP values and respects "cultural diversity and the significant role that Native American culture plays in our nation's history and its future and hope to be able to strengthen our relationship with the Native American communities as we move forward with this project."

Archambault said the consultations were one-sided and that "they met with us after their plans were already made."

By The Associated Press.

Staff Writer Jeffrey Weiss contributed to this report.

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Dallas' Kelcy Warren: Water concerns about Dakota Access pipeline 'unfounded'

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By Jeffrey Weiss ☐ ☐

Energy Writer

Published: 13 September 2016 08:41 AM

Updated: 13 September 2016 09:02 PM

Four days after federal authorities ordered a halt to construction on a small part of the Dakota Access Pipe Line, Dallas-based Energy Transfer Partners finally offered a reaction to the order.

A letter from the company building the 1,172-mile project was sent to its employees and the media Tuesday morning with the signature of CEO Kelcy Warren. It offered a spirited defense of the safety of the pipeline, an insistence on the company's commitment to finish the job and a dismissal of objections raised by American Indian tribal leaders and environmentalists.

The letter also says the company will "work to communicate with the government and media more clearly in the days to come."

FAQ on Dakota Access Pipe Line

But the letter leaves some important questions unanswered - - and the company would not elaborate. Similarly, government officials did not clarify the impact of Friday's shutdown order.

Also on Tuesday, a rally against the pipeline drew hundreds to Washington to hear Sen. Bernie Sanders and others speak.

News reports said that at least 22 protesters were arrested in North Dakota after halting work on the pipeline and, in some cases, chaining themselves to construction equipment.

Other protests continued in several other cities this week, including in Dallas on Tuesday evening.

About 50 demonstrators lined the sidewalks at the corner of Preston Road and Forrest Lane. They chanted slogans and waved at the occasional driver who honked a horn in support.

Among the questions left unanswered Tuesday: How long the government intends its shutdown order to remain in force. And whether the company would comply with a government request to stop construction in an area 20 miles on either side of the area affected by the order.

Tribal leaders and environmentalists - many of whom want nothing less than the end to the project and to the easier access to North Dakota oilfields it would bring - dismissed the company's response.

Dave Archambault II, chairman of the Standing Rock Sioux Tribe , released a statement that said, in part:

"Energy Transfer Partners has proven time and time again that the bottom line for them is money. The bottom line for the Standing Rock Sioux Tribe is and will always be protecting our lands, people, water and sacred sites from the devastation of this pipeline,"

Michael Marx, executive director of Corporate Ethics International also released a statement: " The Keystone XL and Dakota Access fights are happening because it's urgent

government re-balance the equation in favor of culture, health, environment, and climate."

Randi Spivak, director of the public lands program at the Center for Biological Diversity, said the issue was bigger than this particular pipeline.

"Developing more oil infrastructure is not the direction we need to be moving," she said.

The pipeline route cuts from the Bakken oil fields in North Dakota through North and South Dakota, Iowa and Illinois. In Illinois, it would link there to a pipeline that heads all the way to Nederland, Texas. Company officials say the cost will be \$3.78 billion. Once fully connected, the pipeline is supposed to carry about 470,000 barrels a day with a capacity as high as 570,000 barrels a day.

Protests have most focused on the part of the route in North Dakota that heads under the Missouri River, not far from the Standing Rock Sioux reservation. Tribal leaders say the work is disturbing sacred sites and that the pipeline endangers the tribe's water supply.

On Friday, a federal judge turned down the tribe's request to halt work. But the Obama administration unexpectedly called for a shutdown on the work under the river - - in federal jurisdiction - - and a voluntary halt to work on 20

miles either side. The Army Corps of Engineers and departments of Interior and Justice said there was a need to consider whether there was a need to revisit any of the Corps' decisions to grant construction approvals.

Here are some highlights from the company letter:

Â· The project is about 60 percent complete and the company has already spent over \$1.6 billion.

Â· The company has the entire right-of-way for the project. The four states the route traverses have all issued the needed permits and approvals.

Â· Although almost the entire route is on private land, the company "worked to meet with the Standing Rock Sioux Tribe leaders on multiple occasions in the past two years and gave the U.S. Army Corps data for their 389 meetings with more than 55 tribes across the project, including nine with The Standing Rock Sioux Tribe...."

Â· "Nearly the entire pipeline route in North Dakota - - and the entire portion the protestors are focused on - - is located immediately adjacent to an existing natural gas pipeline built in 1982."

Â· "Concerns about the pipeline's impact on the local water supply are unfounded. Multiple pipelines, railways,

and highways cross the Missouri River today, carrying hundreds of thousands of barrels of oil."

Warren's letter closed optimistically:

"I am confident that as long as the Government ultimately decides the fate of the project based on science and engineering, the Dakota Access Pipeline will become operational bringing a safer means of transportation to a much needed supply of oil to communities across the country."

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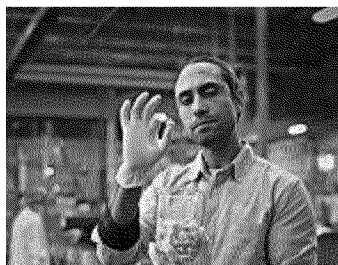
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Consensus on oil, gas ordinance: Take your time

By Antonio Sanchez / Rio Rancho Observer staff writer

Saturday, September 10th, 2016 at 12:05 am

Environmentalists, oil industry insiders and ranchers on Tuesday continued to weigh in on Sandoval County's draft oil and gas ordinance, with speakers for and against drilling agreeing on one issue: County officials should take more time before adopting the measure.

More than 30 people attended Tuesday's meeting at the county administrative building – the second of two meetings scheduled by the county's planning and zoning division.

The 30-page draft ordinance was published on the county's website in August, some six months after SandRidge Energy withdrew its exploratory drilling application from the county.

The proposed ordinance established the county's requirements to apply for a zone change to drill, and includes measures intended to protect the public during production and post-production phases.

Makita Hill, a long-range senior planner for the planning and zoning division who oversaw the meeting, told attendees he will schedule a meeting with an adviser from the New Mexico Institute of Mining and Technology to discuss comments made at each meeting.

The county signed a professional relationship agreement with New Mexico Tech in July, allowing the county to consult with the experts at the institute on oil- and gas-related questions.

Hill said his notes from the two meetings will be presented with the draft ordinance to the planning and zoning commission before its meetings in October. Although the first of two commission meetings has yet to be scheduled, the second meeting will be held on Oct. 26.

Twenty-four speakers commented on the draft Tuesday.

Carla Sonntag, president of the New Mexico Business Coalition, said county officials should not pass the ordinance without first consulting with business and industry leaders.

"The decisions that you are looking at ... they can be done in a way that can satisfy just about everyone, but there's just not been enough time to really analyze this," Sonntag said. "I would encourage you to allow more time for the industry and all those concerned to really look at this and have valid feedback to you, because this is important."

Wally Drangmeister, vice president of the New Mexico Oil and Gas Association, echoed Sonntag's sentiments.

"We do things extremely well in the oil and gas industry when it comes to analysis and technical provisions and implementation of those, and figuring out what needs to be done, exactly how," he said. "The thing we don't do really well is we don't do that quickly."

As the draft currently stands, Drangmeister said, definitions of terms in the ordinance clash with similar definitions in state and federal oil and gas laws. "This ordinance, I believe, doesn't even start off on a solid foundation," he said.

Others who spoke Tuesday were concerned those attending the meetings were not representative of the county's many communities.

Jose Lopez, president of the New Mexico Cattlegrowers Association, asked Hill to consider the county's ranchers and land owners when finalizing the ordinance.

Virgil Chavez, who has worked with an oil and gas company in Farmington, said residents in Cuba already “rely on oil and gas directly and indirectly as a source of income.”

Mary Feldblum of the Oil and Gas Accountability Project said residents should be able to review and provide comments about the county’s updated versions of the draft. She said that would help keep the concerns of residents a priority.

“We’re not opposing it, but we’re making sure that, whatever happens, we must protect our culture and the safety of the area,” Feldblum said.

County resident Elaine Cimino questioned why county commissioners have yet to take a vote on enacting a moratorium, halting any drilling applications until an ordinance has been established. Cimino said she’s worried her concerns weren’t being heard by elected officials.

“I want to understand why the issue of the moratorium has not been answered by the county commission. They’re just ignoring their constituency – this is ridiculous,” Cimino said.

Greater New Orleans

\$80 million Shell Island restoration nears completion



By Mark Schleifstein, NOLA.com | The Times-Picayune

[Email the author](#) | [Follow on Twitter](#)

on September 13, 2016 at 6:10 PM, updated September 13, 2016 at 8:56 PM

With a mix of laughing gulls, brown pelicans and frigate birds watching from the air, employees of the Great Lakes Dredge & Dock, Co. on Tuesday (Sept. 13) were directing sand from the Mississippi River into place on the new beaches and dunes that are the rebuilt east and west lobes of Shell Island, about 8 miles southwest of Buras in Plaquemines Parish.

The \$80 million reconstruction project at the southern end of Barataria Bay, paid for with part of a 2011 early payment by BP for natural resource damages caused by the Deepwater Horizon oil spill, should be complete by November, said Brian Puckett, Great Lakes manager for the project, during a Tuesday tour of the island provided to journalists by the state Coastal Protection and Restoration Authority and the company.

The company has had 70 employees working three shifts covering 24 hours a day, seven days a week, using bulldozers and other heavy equipment to shape the sand and sediment as pipelines deliver it to the open water edge of the rapidly growing island that will have expanded by 2.7 miles when complete.

This project will include 319 acres of beach and dune, when complete, with sand fencing to help keep sand in place along the highest part of the dunes. Marsh platforms on the northern side of the two island pieces will total 287 acres.

Officials estimate that 4.8 million cubic yards of river sediment and 1.57 million cubic yards of more organic sediment from the Gulf will be used on the two island lobes, enough to fill the Mercedes Benz Superdome 1.4 times.

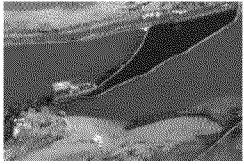


Gov. Bobby Jindal praises construction of 3 barrier islands, while urging Congress to fund coastal restoration

Black mangroves already have colonized a part of the island rebuilt during an earlier project also paid for with money from BP. The state had demanded that the company build sand berms along existing barrier islands on the southern edge of Barataria Bay and along the Chandeleur Islands east of the Mississippi, in a strategy aimed at the berms capturing at least some of the oil released from BP's Macondo oil well.

After the BP well was capped, the state successfully lobbied BP to allow it to keep the remainder of the money that was to be used to build berms, and instead reuse the berm sand to properly rebuild the islands on which it was put. The state used \$47.7 million of the money for a first 1.3-mile expansion of the island that ended in 2013.

Great Lakes also is the lead contractor for the reconstruction of Chenier Ronquille barrier island, about seven miles west of the Shell Island project. On Sept. 5, an excavating marsh buggy operated by a subcontractor cut through a pipeline near the bay side of that island, and workers have been cleaning up the oil since then.



Oil leak from broken pipeline disrupts \$36 million BP spill restoration project

The Shell Island projects and the Chenier Ronquille project are part of the state's "multiple lines of defense" strategy, first proposed by the Lake Pontchartrain Basin Foundation. The state is rebuilding or has rebuilt 52 miles of barrier islands, barrier headlands and ridges stretching from Caminada Headland south of Port Fourchon to the Grand Liard Marsh and Ridge restoration just south of Triumph along the southern edge of Barataria Bay.

The projects provide a first line of defense to both communities along the southern Mississippi River and in lower Jefferson and Plaquemines parishes against hurricane storm surges moving north from the Gulf of Mexico and to the remaining wetlands within the bay that state officials hope to strengthen and expand in the future.

"They are at an elevation that can knock down storm surge, and they're going to be here for a while. They're not as sensitive as some of the marshes that have to take some of the storm surge," said Chris Allen, the state Coastal Protection and Restoration Authority project manager overseeing the Shell Island project. "And they provide all this great bird habitat at the same time. We consider it a win-win."

Part of that protection results from the rebuilt islands cutting off at least part of the in and out tidal flow from the bay that has exacerbated wetlands erosion.

Allen said the island has a project lifetime of 50 years, which is longer than earlier projects built with money from the federal state Coastal Wetlands Planning, Protection and Restoration Act, some of which were rebuilt in the 1990s.

"These are built with a wider dune," he said.

Lessons learned during construction of those projects has helped the design of Shell and other recent barrier projects, officials say. For instance, the sand dredged from a bar in the bottom of the Mississippi River is of a coarseness expected to increase the island's lifetime. The use of sediment dredged from offshore on the interior edge of the island is higher in organic material, and thus provides a better base for marsh grass growth.

And the wide, marsh platform will act as a future foundation for the island when its sand eventually migrates inland due to storm surges and frontal system waves.

"We'll have to come back and do adaptive monitoring, renourish the top of islands," Allen said. "Our Barrier Island Comprehensive Monitoring Program is really going to be what provides us with that kind of data, the elevation versus storm surge reduction."

But Coastal Protection and Restoration Authority Chairman Johnny Bradberry warned that decisions about future island restorations will also be dependent on whether the state has money for that kind of project, and how it ranks, compared to other restoration projects that might be competing for those scarce restoration dollars.

"We've got to make sure the investments we do make are placed in the best positions that they can be placed in to give us the most value and the most protection," Bradberry said.

Water tests negative for blue green algae -- according to the City of Guthrie

BY JENNIFER FALSETTI

TUESDAY, SEPTEMBER 13TH 2016

Fox 25's Jennifer Falsetti collects a sample of Guthrie water for testing.
(KOKH)

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Guthrie, Okla. (KOKH) — An update on a FOX 25 investigation involving Guthrie's drinking water. The water, many residents claimed was making them sick, tests negative for blue-green algae. That's according to the city.

The city tested the water, after FOX 25 took samples to a metro lab, where an expert claimed BGA could be to blame.

FOX 25's test results on the water have yet to come in. Guthrie City Manager, Bruce Johnson telling FOX 25, he would not speak with us regarding their test results, he also would not discuss ours.

Earlier this month, FOX 25 introduced you to several Guthrie residents, who have had trouble with the city drinking water. We introduced you to Erika Combs, and collected samples of her drinking water. She says the water made her children and pets sick, and irritated her skin when she showered.

We also introduced you to Irfan Rama, owner of Roma's Italian Restaurant, who says he lost business over the water. Rama tells FOX 25 that his water has slowly improved, but only after our story aired.

"I've been to the city hall myself in the beginning and they didn't want to do nothing and nothing improved until you guys came actually," he says.

We took multiple water samples to Red River Environmental Lab in Oklahoma City. They were then tested by President, Dr. Ming Yu. She tested for manganese, iron, nitrate, and minerals that could potentially make people sick. Those tests came back normal, with levels well below EPA standards.

Dr. Yu tells FOX 25, she believes the smell of the water samples, is consistent with blue-green algae.

"It's the earthy or musty smell that is typical of algae problems," says Yu.

So, we took more samples, for further testing. We are still waiting on those results.

After our report aired, outlining that process, the City of Guthrie admitted to the Guthrie News Page, they did not test for BGA. They also told the Guthrie News Page, they did send water to be tested, immediately after our report aired. Now, those test results are back. The city told the Guthrie News page, their test came back negative.

Irfan Rama tells FOX 25, it wasn't until after our report, that the water at his restaurant began to improve.

"I just want to thank you guys for doing this for this town because a lot of people have really been suffering and right now things are really better and thanks to you guys regardless," says Rama.

According to the Guthrie News Page, Guthrie's water analysis was conducted on September 7th. It was done through Accurate Environmental Laboratories in Stillwater.

THE WALL STREET JOURNAL.

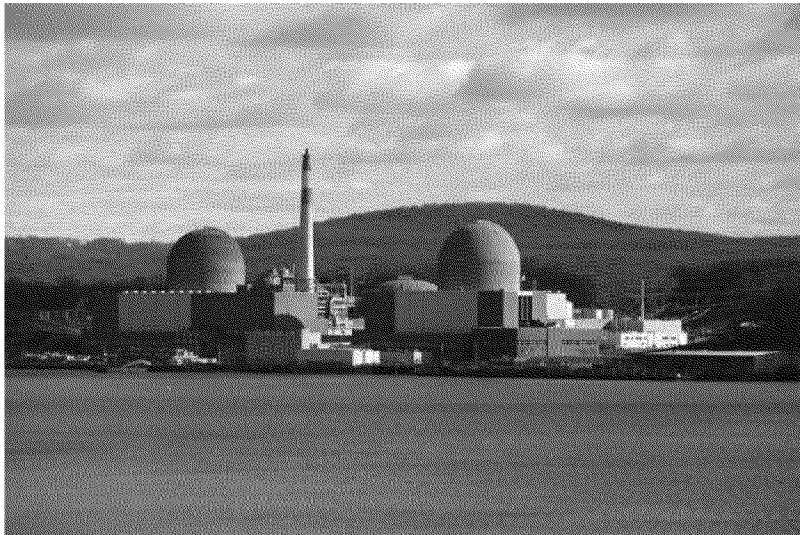
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New guidelines would boost amount of radioactive contamination allowed after events such as a nuclear-power plant accident



The New York attorney general's office, in its written comment over the proposed guidelines, expressed concern over a possible accident at the Indian Point nuclear power plant in Buchanan, N.Y., seen in a 2009 photo. *PHOTO: JULIE JACOBSON/ASSOCIATED PRESS*

By JOHN R. EMSHWILLER

Sept. 12, 2016 8:03 p.m. ET

In the wake of a nuclear emergency, the Environmental Protection Agency thinks it would be acceptable for the public to temporarily drink water containing radioactive contamination at up to thousands of times normal federal safety limits.

The agency is proposing this in new drinking-water guidelines for use in the weeks or months after a radiological event, such as a nuclear-power-plant accident or terrorist “dirty” bomb.

The EPA has been looking for years at issuing drinking-water guidelines as part of a broader set of recommendations about what to do if radioactive material is released into the environment. Agency officials have said the 2011 accident at the Fukushima nuclear complex in Japan, where radiation was released, influenced their thinking on the matter.

— ADVERTISEMENT —



Public comments on the proposed drinking-water guidelines are still being evaluated and the EPA expects to release a final document sometime this year, an agency spokeswoman said.

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- EPA Issues New Health Advisories for Chemical Found Near Some Plastics Plants (May 19)
- Concern Grows Over Tainted Drinking Water (April 25)
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In written filings, the EPA said its normal radiation-safety limits, which are based on presumed

exposures over decades, can be relaxed for a relatively brief period in the wake of

emergencies without unduly increasing people's risk of harm. The new guidelines would help officials decide when protective actions, such as bringing in bottled water, are needed.

Opponents of the EPA drinking-water proposal, including the New York attorney general and environmental groups, say the initiative represents a drastic departure from normal protection limits and could endanger people's health. Internal EPA documents written by agency officials and obtained by environmentalists under the Freedom of Information Act, also raised concerns.

In its written comment, the New York attorney general's office expressed concern regarding a possible accident at the Indian Point nuclear power plant, about 24 miles north of New York City. The EPA's proposal "would potentially allow millions of New York residents to ingest drinking water containing concentrations of radionuclides that are well in excess of what has been considered to pose an acceptable risk," it said.

The proposed guidelines have gotten supportive comments, including from the American Water Works Association, a nonprofit group with over 4,000 water utilities as members. Kevin Morley, the security and preparedness program manager, called the EPA proposal a "reasonable approach" during times when "it is not an everyday, business-as-usual situation."

EPA officials declined to be interviewed but in written responses to questions, the agency said it took a "conservative approach," including setting lower exposure numbers for pregnant women and children, who are more vulnerable to radiation.

In January 2009, during the last days of the Bush Administration, the EPA floated a draft drinking-water guide with proposed allowable radioactive-contamination levels, measured in picocuries per liter, for over 100 radioactive isotopes. Some of those levels were thousands of times or more above the contamination levels allowed by the EPA during normal periods.

Under that draft guide, a person would have been allowed to drink water contaminated with enough picocuries of radioactive material to give up to 500 millirems of exposure in a year. The EPA's normal drinking-water annual limit is 4 millirems. The average American gets about 300 millirems annually from natural background radiation, such as the sun.

One internal EPA document written by an agency radiation specialist, and obtained by environmental groups through the FOIA process, criticized the 500-millirems number as too high. It included a chart indicating that some of the contemplated contamination

levels for specific isotopes could give a person in days or weeks enough radiation to equal a 70-year lifetime exposure under normal conditions.

When the Obama administration came into office in early 2009, it moved to review the guidelines before issuing them.

A 2011 memo by a senior official at the Nuclear Regulatory Commission said the EPA had recently provided “a significantly revised version” under which the agency was looking to use the 4-millirems annual protection limit instead of the 500-millirems number. The NRC memo criticized the revision in part for possibly prompting unnecessarily drastic actions, such as population relocations, after a radiological release.

However, the EPA proposal made public in June contained a 500-millirems annual target during emergency situations for adults along with a 100-millirems one for children and pregnant and nursing women.

EPA declined to comment on the NRC memo.

In its written response, the EPA said its thinking on the drinking-water guidelines was influenced by the 2011 Fukushima accident. In the U.S., public water systems would be expected to return to meeting normal standards “as soon as practicable.”

Relaxing the 4 millirems annual standard following a radiation release “could result in a much higher cancer risk, which is not acceptable,” wrote Sen. Barbara Boxer of California, the ranking Democrat on the Senate Environment and Public Works committee, in a July letter.

While the Bush Administration proposal listed allowable contamination levels for over 100 isotopes, the latest document listed only three with generally higher levels, at least for most adults, than in the 2009 document.

Levels for other isotopes can be calculated using formulas in the latest guide, the EPA said. Higher allowable contamination levels than those in the 2009 document are possible, the agency said, because it has lowered its assumptions of how much water people drink each day. That move, said Daniel Hirsch, director of the environmental and nuclear policy program at the University of California, Santa Cruz, would leave above-average water consumers facing greater risks.

Listing only a few isotopes is part of a transparency problem at the EPA, said Jeff Ruch, executive director of Silver Spring, Md.-based Public Employees for Environmental Responsibility, which filed a suit to obtain the internal EPA documents. “We have heard of hiding the ball but this is hiding the whole basketball court,” he said.

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Smith's subpoena battle reaches Congress

By ANTHONY ADRAGNA 09/14/16 10:01 AM EDT

With help from Eric Wolff, Elana Schor, Alex Guillén, Esther Whieldon and Darius Dixon

EXXON CLIMATE DRAMA REACHES CONGRESS: House Science Committee Chairman Lamar Smith will double down today at a hearing on his bid to subpoena state officials for records of their ongoing investigations into Exxon Mobil's climate science activities. It's the latest phase in Smith's quest to transform his once-sleepy committee into an energetic investigator of government activities. The Texas Republican, who calls himself a climate change skeptic, demanded records from the attorneys general of New York and Massachusetts back in July after those officials began probes into whether the oil and gas giant violated the law by misleading investors and the public about the risks of climate change. He argues those state investigations are an effort to stifle critics who do not support the mainstream views on climate science. If you go: 2318 Rayburn at 10 a.m.

Story Continued Below

Not lying down: Democrats, both inside and outside of Congress, aren't letting the hearing go unanswered. Environmental groups, attorneys and lawmakers are holding their own pre-buttal to Smith's hearing an hour before the action kicks off where they will condemn the subpoenas as overreaching and reckless. And a counselor to New York Attorney General Eric Schneiderman released a sharply worded letter Tuesday accusing Smith of a "fishing expedition" and all but calling the hearing a waste of time, POLITICO New York's David Giambusso reports. If you go: The rally, featuring Sen. Sheldon Whitehouse and Reps. Ted Lieu, Peter Welch and Katherine Clark, takes place at 9 a.m. at the Senate swamp.

More voices weigh in: New York's entire Democratic House delegation wrote Smith on Tuesday to express deep concerns that the subpoenas would interfere with "legitimate fraud investigations" of Exxon. "We are disappointed that instead of using a subpoena as a last resort, it is being used in an effort to plow ahead in haste," they wrote. Their letter comes as Edward Cox, chairman of the New York Republican State Committee, called on Schneiderman Tuesday to comply with the Science panel's subpoena. Cox also urged that federal prosecutors investigate a Sunday report in the New York Post that the AG's office had attempted to reach out to billionaire environmentalist Tom Steyer as the clash over investigating Exxon began heating up.

Freedom of ... First Amendment claims: Look for both sides in the Exxon-subpoena standoff to invoke the First Amendment: critics of the oil company say that the Constitution doesn't give a corporation cover to misrepresent climate science to shareholders. Opponents of the AGs' investigations counter that freedom of speech doesn't give activist groups carte blanche to collude on politically motivated investigations with state law enforcement. Given that the legal experts testifying today do not include representatives from Schneiderman, Massachusetts A.G. Maura Healey or the green

groups facing subpoenas from Smith, it's unlikely either side will see much clarity in the end.

WELCOME TO WEDNESDAY! Congrats on making it to mid-week! I'm your host Anthony Adragna, and it's exciting to have major congressional action for my first week as your guide! If you have interesting stories, energy tips or trivia facts, please send them my way to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

FINDING A HOME FOR FLINT AID: Democrats are keeping up the pressure on Republicans to provide aid to Flint, Mich., and other lead-plagued cities that need to upgrade their drinking water infrastructure. The Senate today is expected to pass its Water Resources Development Act (S. 2848), which includes \$220 million to help places like Flint, but the House has yet to advance a similar passage. Transportation and Infrastructure Committee Chairman Bill Shuster told ME the lower chamber may take up its narrower, Flint-free WRDA package next week, but he said he has not been involved in how to handle the drinking water infrastructure, which is not in his committee's jurisdiction. The House WRDA bill has some modest bipartisan support, but many Democrats are withholding their backing to seek leverage on Flint, potentially denying an opportunity to easily pass the bill under suspension of House rules.

No more can-kicking for Flint: Democrats are agnostic on what bill includes the Flint aid, whether it be WRDA, a continuing resolution or supplemental spending bill to address emergencies such as the flooding in Baton Rouge. "We're basically pushing that it has to go, either WRDA [or] CR. I'm nervous about anything that would kick the can down to an omnibus discussion because that's just far too uncertain," Rep. Dan Kildee told ME. The Michigan Democrat, whose district includes Flint, said he spoke to the White House Tuesday and has been in discussions with congressional leaders on both sides. "If the Senate passes WRDA with Flint in it, I would have a very hard time accepting a WRDA bill in the House that does not include Flint... The members I've talked to share my concern." Regarding emergency funding for Louisiana, Appropriations Chairman Hal Rogers told reporters yesterday he had not heard from the administration about how much they would like, but expressed a desire to be "helpful in any way that we can." (h/t POLITICO's Appropriation guru Ben Weyl)

Murky methane findings complicate Obama's regulatory plan

Camille von Kaenel, E&E reporter

Published: Tuesday, September 13, 2016

The jury is still out on the culprit behind the recent increase in global methane emissions.

A new study published yesterday found that fossil fuel production has emitted significantly more of the potent greenhouse gas since 2000 and could account for much of the unexplained uptick in global atmospheric methane since 2007. That is an opposite finding from other recent research, which has blamed sources like agriculture, animal husbandry and wetlands instead.

"What's going on in the gas and oil sector has been the big question with methane," said Andrew Rice, a researcher at Portland State University and the lead author of the new [research](#), published in the journal *Proceedings of the National Academy of Sciences*. "It's not settled, but we give some new pieces to the puzzle."

The back-and-forth results have electrified the debate over President Obama's expanded regulations on the energy industry.

U.S. EPA is preparing rules to curb methane leaks from existing oil and gas sources, pointing to its data that show increasing methane emissions from fossil fuel extraction points in the United States. House Republicans will likely question those data at a Thursday hearing on the regulations titled "A Solution in Search of a Problem."

Scientists around the world have been trying to figure out whether oil and gas production, particularly a boom in the United States, could be responsible for the global rise in methane. It is one of the most enduring mysteries in the planet's atmosphere. Global levels of methane, a greenhouse gas many times more potent than carbon dioxide, have more than doubled since the Industrial Revolution. But growth slowed to zero in the 1990s. Levels began climbing again in 2007. About 17 teragrams more methane is now emitted every year compared to the annual emissions between 2000 to 2006.

Researchers have focused on disentangling the trends for different sources to figure out which ones might be responsible for the recent rise. Wildfires, bacteria in wetlands, submerged rice fields and cows all release methane. So does leaky equipment in oil fields.

Old air samples lead to new models

Rice's study suggests that oil and gas production might be to blame.

The new results come from old air samples. Rice and his colleague analyzed the isotopic fingerprint of methane captured in air samples collected at Cape Meares, Ore., from 1977 to 1998. The data gave them a rough sketch of the rise and fall of individual sources of methane. Then they had to come up with more specific guesses about long-term trends and test them out, comparing the model's results with the observations.

The model that most closely matched the data showed that fugitive fossil fuel emissions have been increasing since 1984, with the majority of the growth after 2000. Methane from livestock and landfills rose over the time period from 1984 to 2009. Methane from rice fields trended down, while methane from wetlands varied year-to-year, then dropped significantly from 2000 to 2009.

Francis O'Sullivan, director of research at the Massachusetts Institute of Technology's Energy Initiative, praised the research as a useful contribution to an ongoing scientific debate.

"It's a very complex landscape," he said. "No one team out there has been able to say, 'This is the correct answer.'"

In a landmark study published in *Science* in March, a group of international researchers from New Zealand, Germany and Boulder, Colo., found that agriculture or dairy farming, particularly in the tropics, was more likely responsible for the rise in methane (*ClimateWire*, March 11).

The two groups of researchers used similar fingerprinting methods, but different models. Lori Bruhwiler, a physical scientist at the National Oceanic and Atmospheric Administration's Earth System Research Laboratory, suggested that Rice's process may be sensitive to first-guess assumptions. She called the inversion modeling technique used by Rice "tricky to interpret" because it uses more variables.

"You're trying to retrieve a lot of unknowns with not a lot of data," she said. "You can often get a solution that matches the data very well but comes to the wrong conclusion about sources. ... If you run an inversion and instead of allowing anthropogenic emissions to increase, you hold them constant, you will get a much smaller increase in anthropogenic emissions and an increase in another source."

"It all comes down to how much you believe your first-guess emissions versus how well you think you can simulate the observations with your model," she added.

Other research, including a 2012 *Nature* [paper](#), has also suggested fugitive fossil fuel emissions were decreasing from 2000 to 2009 because of trends in ethane, a non-greenhouse gas that often correlates with methane. Ethane emissions decreased from 1984 to about 2010. It is tricky to link ethane and methane trends because scientists do not know the ratio at which they are co-emitted, but the ethane trends can hold some clues.

Rice suggested that the researchers in the *Nature* paper may have wrongly assumed wildfires and biomass burning were releasing more ethane during that period. His model and some other studies show emissions from biomass burning decreasing.

The worldwide ethane trend has recently reversed, however, at least partly because of oil and gas development (*ClimateWire*, June 20).

Gearing up for a policy fight Thursday

The scientific uncertainties have set a tricky backdrop for regulators and policymakers looking to weigh the economic and climate benefits of the boom in domestic natural gas production with Obama's mission to combat climate change-causing gases. Critics say the industry is decreasing greenhouse gas emissions already and the regulations will hurt the economy.

House Science, Space and Technology Committee lawmakers are planning to scrutinize EPA's plans to expand methane regulations to existing oil and gas operations Thursday (*E&E Daily*, Sept. 12). The agency is working to finalize a request for up-to-date information from the industry, which has called the effort a "rushed job."

EPA earlier this year finalized a set of rules targeting methane emissions from new and heavily modified oil and gas operations, which has drawn legal challenges from several states.

Environmental advocates say the regulations are necessary to avoid some of the worst methane leaks from a few "super-emitters" and spur better technology at other sites.

David Lyon, a scientist at the Environmental Defense Fund, praised Rice's study as an alternative hypothesis for global methane trends but suggested it may be "irrelevant" to the discussion about EPA's methane rules.

"It is valuable to understand some trends in methane emissions, but the more important question is that we know current methane emissions are really high, and that oil and gas is a big part of that," he said. "If they're decreasing, they're not decreasing fast enough."

Katie Brown, a spokeswoman for Energy in Depth, a project of the Independent Petroleum Association of America, said she does not think Rice's paper has big implications for policy because other research has found the opposite. She's "still seeing a positive story for methane" from oil and gas because emissions have not spiked despite an increase in production, she said.

Witnesses testifying at the hearing include Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund; Erik Milito, director of upstream and industry operations for the American Petroleum Institute; Anthony Ventello, executive director of the Progress Authority; and Bernard Weinstein, associate director of the Maguire Energy Institute at Southern Methodist University.

Weinstein called the methane rules "regulatory overreach."

He noted that methane is a product that natural gas producers want to sell, so there is already an economic incentive for drillers to capture fugitive emissions. There are already state-level environmental regulations for methane, and many companies in the United States are moving on their own to limit methane releases.

"There's no question that the industry has kind of become the whipping boy," he said.

He said the larger concern should be methane emissions coming from other parts of the world that are drilling for fossil fuels with lower environmental standards. "If the rest of the world follows our example, we would have this problem of emissions more or less under control," he said.

Reporter Umair Irfan contributed.

THE TRANSFORMATION OF THE ENERGY SECTOR

CLIMATE:

What's driving down industry emissions? The market

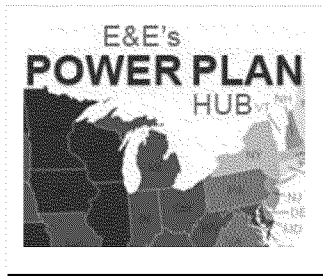
Kristi E. Swartz, E&E reporter

Published: Wednesday, September 14, 2016

ATLANTA — Market forces, not U.S. EPA's Clean Power Plan, are the chief driver behind lower carbon emissions right now, energy experts said at a conference here on power-sector trends yesterday.

Low natural gas prices, federal tax breaks for renewables, and the falling cost of wind and solar are behind the electric utility industry's transition away from fossil fuels, which is doing more to cut into greenhouse gas emissions.

Such changes do not render the Obama administration's signature climate rule unnecessary, officials pointed out. And states are going to have to think beyond 2030 — the rule's compliance date — if they want to make any meaningful impact against climate change, others said.



"We see the Clean Power Plan as a tremendous organizing framework toward moving toward a decarbonized future," said Julie McNamara, energy analyst with the Union of Concerned Scientists. "This isn't just about 2030, this is about 'what does this mean if we're facing a low-carbon future, what's the best path to get there?'"

McNamara was one of several speakers at an all-day event here hosted by the Bipartisan Policy Center, Great Plains Institute and Nicholas Institute for Environmental Policy Solutions. All three have been working with states on how to best meet goals of the Clean Power Plan, which broadly called for a one-third reduction in power-sector emissions by 2030.

The Supreme Court stayed the rule in February while massive litigation over it plays out. On Sept. 27, the full U.S. Court of Appeals for the District of Columbia Circuit is scheduled to hear more than 3 ½ hours of arguments over the rule ([Greenwire](#), Aug. 17).

Some states that started working on compliance plans continue to do so or have their own low-carbon policy mandates to meet. Others have halted all work, at least publicly.

The electric companies that are fighting the Clean Power Plan argue they are reducing carbon emissions on their own. The regulation isn't their only challenge right now, however.

Electricity demand is flat and likely will remain that way for some time. And new technologies are making it easier for customers to control their electricity use.

Both forces are cutting into utility companies' revenues, and many are grappling with how to change their business models from ones they've been used to for decades.

"Technology is driving the changes that we're seeing," said Ted Thomas, chairman of the Arkansas Public Service Commission. "There's risk in adopting new technology, and there's risk in not adopting new technology and being left behind."

The PSC has to manage all of those risks as it develops new policies, he said.

What about nuclear?

A looming question is the role nuclear power will play as states look for carbon-free options beyond renewables. Many speakers said that nuclear must be a part of the electricity mix.

"It's hard to have an intellectually honest conversation about carbon if you cannot talk about nuclear," said Cathy Woollums, Berkshire Hathaway Energy's chief environmental counsel. "The United States, from a policy perspective, has not dealt with the nuclear issue."

Woollums said Berkshire Hathaway Energy has considered building nuclear but shelved plans because the company didn't think there was enough intestinal fortitude in the country to support it.

The nation's nuclear industry is in flux as low natural gas prices and in some cases wind are forcing many to be

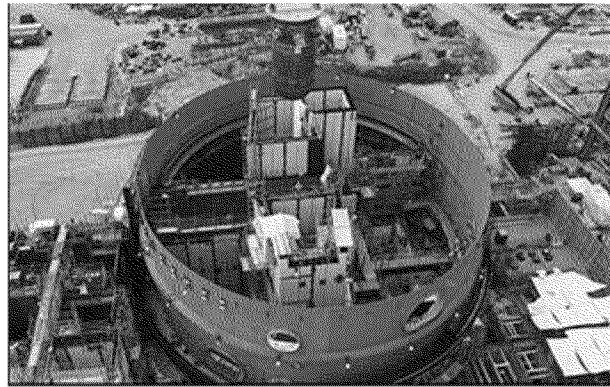


snut down because they are uneconomical to run. Meanwhile, Georgia and South Carolina are building multibillion-dollar reactors, but both projects are years behind schedule and billions of dollars over budget.

There are efforts to keep the current fleet operating and a separate measure to commercialize new technology, including small modular reactors. Many electric companies that view nuclear as a way to maintain carbon-free baseload power also acknowledge that it comes with a hefty price tag.

"I don't know what the future will be, but I don't know if it's so much about intestinal fortitude, it's just so darn expensive," said Michael Dowd, air division director of Virginia's Department of Environmental Quality. "When you look at the costs, they are very, very high, and I can't say I see a lot of public support, but that could change."

This story also appears in ClimateWire.



South Carolina Electric & Gas and its partners place the reactor vessel in the containment building of V.C. Summer Unit 2 in this Aug. 30 photo. A looming question is the role nuclear power will play as states look for carbon-free options beyond renewables. Photo by SCE&G, courtesy of Flickr.

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NEWS

September 13, 2016

From Energy and Climate Report**FREE TRIAL**

Energy and Climate Report provides current, thorough coverage of clean energy, efficiency, and climate change legislation, regulation, policy, legal developments, and trends in the U.S. and...

By Andrew Childers

Sept. 12 — Lack of Republican action or urgency on climate change provokes “despair,” a former head of the Environmental Protection Agency under President George H.W. Bush said Oct. 12 as he defended the agency’s carbon regulations.

Two weeks before the full U.S. Court of Appeals for the District of Columbia Circuit is to hear argument over the EPA’s Clean Power Plan, William K. Reilly, the former EPA administrator, predicted the rule will survive judicial scrutiny in some form, particularly after the U.S. Supreme Court held that greenhouse gases can be air pollutants under the Clean Air Act.

“The Supreme Court is not likely to say zero, nothing, not after the [endangerment] finding the EPA has made in response to what the Supreme Court requested,” Reilly said Sept. 12 at a forum sponsored by the Brookings Institution

The Clean Power Plan (RIN:2060-AR33) sets a limit on carbon dioxide emissions from the power sector in each state.

The rule, challenged by two dozen states as well as utilities and industry groups, is the centerpiece of President Barack Obama’s domestic efforts to address climate change. The

entire D.C. Circuit will hear more than three hours of oral argument on the rule Sept. 27 (*West Virginia v. EPA*, D.C. Cir. en banc, No. 15-1363, 5/16/16).

Reilly said other nations, which joined the U.S. in agreeing to the first global deal to address climate change in Paris at the end of 2015, are also watching the course of the litigation. Reilly and former EPA Administrator William Ruckelshaus, both of whom served Republican presidents, have supported the agency in the lawsuit. Ruckelshaus was the EPA's first administrator and served in the Richard Nixon administration. He later served as EPA administrator under President Ronald Reagan.

"If the [Clean Power Plan] were to go away we'd not even be close to achieving the commitments that were made recently with so much hope and excitement in Paris," Reilly said.

Reilly said he spoke with Chinese negotiators prior to the conclusion of the Paris Agreement and they were watching the Clean Power Plan litigation and wondering how it would affect the U.S. ability to meet its greenhouse gas reduction pledges.

"They're laser focused," Reilly said.

Other Approaches Favored

Whether or not the Clean Power Plan survives judicial review, Adele Morris, director of Brookings' Climate and Energy Economics Project, questioned whether regulating greenhouse gas emissions sector-by-sector as the EPA is doing is the optimal approach.

"This is a very protracted process and this is one sector of stationary sources in the economy," she said. "We've got a lot of other emissions that have to be regulated."

Additionally, regulations—unlike something like a carbon tax or a legislative approach—cannot be used to address the needs of the poorest communities hit by climate change or by coal workers who may lose employment as cleaner energy sources expand, Morris said.

Though he predicted the Clean Power Plan will survive in some form, Reilly acknowledged arguments that the EPA has delved too deeply into the economy to dictate how electricity must be generated. However, "EPA has attempted to anticipate it by giving considerable authority and responsibility to the states," he said.

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By Devin Henry - 09/13/16 04:00 PM EDT

Republicans are increasingly “evolving” on climate change and green energy issues, the founder of a GOP-supporting clean energy super-PAC said Tuesday.

ClearPath Action Founder and CEO Jay Faison said his group is looking this fall to support Republicans who are going in the “right direction” on energy issues, including supporting energy sources like nuclear and technologies like carbon capture for fossil fuel power plants.

Republicans are slowly moving toward supporting the clean energy sector, he said, even if climate change isn't a major concern for them or their base.

"I think a lot of these issues are evolving, the electorate is evolving and the candidates are evolving," he told reporters at the group's new Capitol Hill office on Tuesday.

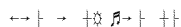
"There's varying degrees of that equation on different candidates we're [supporting]."

ClearPath launched a super-PAC earlier this year with the goal of spending \$5 million on this fall's elections. The group is backing 12 Republicans so far, including those both openly moderate on climate issues — such as Sen. Kelly Ayotte (R-N.H.) and Rep. Carlos Curbelo (R-Fla.) — and those for whom the issue is a secondary concern.

Faison said he hopes to eventually rally Republicans around the cause of clean energy, but he acknowledged it's not one many of them care about right now.

A big booster of nuclear power, Faison will testify before a Senate committee on Wednesday about the industry. He also supports carbon capture technology and has been skeptical about the potential for mass deployment of traditional renewable sources like wind and solar.

He said he's met with 65 Republican lawmakers this year to make his case.



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"I've found a lot to agree on, and at least something to agree on in every office I've been at," he said.

Republicans have welcomed his group's spending, too.

"They love us," he said. "I get a lot of thank yous. If you spend millions of dollars for Republicans, you get a lot of thanks yous. It's not hard to gain popularity when you're supporting the party."

TAGS: ClearPath Action, Kelly Ayotte, Climate change

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A story of endocrine disruption and why it matters

By CHUCK NORRIS | Posted: Wednesday, September 14, 2016 12:00 am

Just a little over 52 years ago, best-selling author and ecologist Rachel Carson was famously called to testify before Congress.

A year had barely passed following the publication of her groundbreaking book *Silent Spring* documenting the dangers posed by rampant and indiscriminate use of pesticides and herbicides. The result of four years of painstaking research, much of the data and case studies that Carson drew from were hardly new. But it would take Carson to compile the data and her powerful and elegant prose to bring these disturbing facts to the general public, making them inescapable for policymakers.

“Every once in a while in the history of mankind, a book has appeared which has substantially altered the course of history,” noted Sen. Ernest Gruening at the time.

What has been lost in most accounts of this moment is the extent of this woman’s courage as she made her way to take a seat at a long wooden table to address a Senate subcommittee on pesticide use. She was in advanced stages of breast cancer, having already survived a radical mastectomy. Her pelvis was so riddled with fractures that it was nearly impossible for her to walk. To hide her baldness, she wore a dark brown wig.

Yet her testimony was powerful as she presented a view of nature compromised by synthetic pesticides; the main culprit at that time — DDT. By the 1960s, U.S. companies were manufacturing nearly 90,000 tons of DDT a year. Once DDT and other pesticides entered the biosphere, she argued, they not only kill insects but they also make their way up the food chain to threaten bird and fish populations. They could eventually sicken children, our most vulnerable population, she stressed.

“If we are going to live so intimately with these chemicals eating and drinking them, taking them into the very marrow of our bones,” she argues in her book. “[Then] we had better know something about their nature and their power.”

Carson didn’t call for a ban on pesticides. “I think chemicals do have a place,” she testified. A main point of her argument was against aerial spraying, which allowed the government to deposit pesticides on people’s property without their permission. It wasn’t until 1972, eight years after Carson’s death, that the United States banned the domestic sale of DDT.

In 1962, the chemical companies were hardly standing on the sideline during these developments. They were circling the wagons and on the counter attack. It is an effort that continues to this day. More than 50 years later, no one single book or spokesperson has come close to generating a unifying call for action regarding public health concerns of synthetic pesticide use or generated the results achieved by Carson. To date, her call for stewardship of the environment as a unifying issue for humankind remains largely unrealized. DDT is gone, but other toxins have taken its place.

“If Rachel had lived, we might have actually found out about endocrine disruption two generations ago,” environmental health analyst Dr. Theo Colborn prophetically told the New York Times on the 50th anniversary of the book’s publication back in 2012.

Endocrine (or hormone) disruption is a term that is working its way into the news. The term is now being applied to any of a number of compounds in current use that can interfere with the body’s hormone system — from heavy metals, toxic solvents, fire retardant chemicals, PCBs, and, you guessed it, pesticides. Such chemical pollutants are pervasive in our environment. Growing scientific evidence shows that humans exhibit adverse health consequences from exposure to environmental chemicals that interact with the endocrine system. One survey of California children has shown that those tested exceeded cancer benchmark levels for as many as four endocrine disrupting pollutants.

The World Health Organization officially defines an endocrine disruptor as a substance or mixture that alters function(s) of the endocrine system and consequently causes adverse health effects in an intact organism, its progeny, or (sub) populations. It’s important to point out that, though this definition was established in 2002, few countries have adopted legally-binding scientific criteria to determine what an endocrine disruptor is.

The concept represents a relatively new approach for science in looking at the toxicity of chemicals. The usual approach to defining the toxicity of chemical substances is to look at “end points;” whether there is a projected adverse effect at the end of a lifetime of exposure. We see this in current policy that only measures what are called “acceptable daily intake” or ADI levels of a specific unwanted substance in food or drinking water. The concept of endocrine disruption looks at “mode of action,” the way in which a chemical substance has an impact. It is an approach that the petro-chemical companies are none too happy about.

“The chemical industry has fought long and hard, often employing questionable methods, to hide the truth about many of these harmful chemicals, putting profit ahead of safety,” says Dr. Joseph Mercola, an alternative medicine proponent and osteopathic physician in a post on his popular alternative medicine website, Mercola.com.

As an example, Mercola points to the chemical atrazine, the second most commonly used herbicide in the U.S. It’s widely used to combat weeds on golf courses and residential lawns. It’s also used on half of all corn grown in this country. Atrazine, which has been in use in this country since 1958, was banned in Europe in 2005 due to suspected health concerns and environmental damage.

Despite these known risks, atrazine use in this country continues unabated, in large part due to powerful lobbying efforts says Mercola. This may soon change. On June of this year, the EPA released a new more critical risk assessment for atrazine. It is expected to be finalized sometime next year.

In the meantime, eating organic, especially watermelon, tomatoes and red bell peppers, as well as carbon filtering your tap water represent the best ways to lower your overall pesticide burden and protect yourself against some of atrazine’s toxic effects, says the doctor.

Write to Chuck Norris at info@creators.com with questions about health and fitness.



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NEWS

September 13, 2016

From International Environment Reporter™

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International Environment Reporter™ helps you understand environmental laws, regulations, policies and trends in major industrialized and developing nations, as well as in international governmental and nongovernmental organizations.

By Emily Pickrell

Sept. 12 — The environment stands to benefit from the improvements the Trans-Pacific Partnership agreement would usher in, according to Gina McCarthy, administrator of the U.S. Environmental Protection Agency.

“I think everybody knows that when you do a trade agreement, that you want to make sure that the environmental standards will not just stay the same, but will continue to improve,” McCarthy said in an exclusive interview with Bloomberg BNA at the annual meeting of the Council of Environmental Cooperation, or CEC, an organization established by the North American Free Trade Agreement. “We are confident that under TPP, that will continue.”

The annual meeting, which took place Sept. 8–9 in Merida, Mexico, included McCarthy; Catherine McKenna, Canada's minister of environment and climate change; Rafael Pacchiano, Mexico's secretary of environment and natural resources, as well as several policy advisers and interested members of the public.

The future of the council, which spearheads coordinated environmental efforts on topics such as climate change and conducts investigations of trade-related environmental hazards, is expected to continue in some form even if the TPP passes, but its future role has not yet been defined.

Negotiate as a Team

Even so, McCarthy noted that it played an important role in helping the North American ministers negotiate as a team in the Paris climate change talks last December.

"I think our partnership had made a difference. It has helped initiate and get the Paris Agreement over the finish line," McCarthy said, speaking at a group forum at the annual council conference. "Our continent is providing leadership, so don't sell it short."

She noted that while the CEC is largely advisory and has no power to impose trade sanctions if environmental goals are not set, it still provides a lot of flexibility and a chance for countries to work together without limiting each country's autonomy.

"The role of the CEC is to get dinner on the table and for each country to take its own individual actions," McCarthy said. "Every stakeholder is unique and has to determine its own path forward in its own unique way. The goal is to spark that and support it."

Clean Transportation

McCarthy also made a strong push at the council meeting to encourage the three participating countries to focus on improving clean transportation, given its current role as one of the leading contributors not only to climate change, but also the reductions in air pollutants that improves public health.

"Vehicles are a direct reason why kids go to the hospital with asthma attacks and some people die," she said. "We are going to have to make the health benefits well known and get serious about driving innovation. It is remarkable what business can do to respond when we send them the right regulatory signals."

The growth of renewable energy in the U.S. has been linked to these kinds of signals and illustrates how government can best influence a better environment by encouraging business through regulatory actions, McCarthy said. In her view, the CEC has been part of this identification process, especially for issues common to all three countries in North America, such as protecting the migration path of Monarch butterflies.

"What our effort has been at the trilateral level is to identify the environmental challenges and to work with the business community on those solutions and to send all the right signals," McCarthy

told Bloomberg BNA. "This effort is to make it clear that the environment and the economy not only can work together; it must work together."

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